

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 21-40640

RICHARD DENNY,

Chapter 7

Debtor.

Judge Thomas J. Tucker

ORDER DISMISSING CASE

On January 26, 2021, the Debtor filed a voluntary petition for relief under Chapter 7, commencing this bankruptcy case. Also on January 26, 2021, the Debtor filed a “Certificate of Counseling” (Docket # 3), which states that *on January 30, 2020*, the Debtor received “an individual [or group] briefing that complied with the provisions of 11 U.S.C. §§ 109(h) and 111.”

The Debtor is not eligible to be a debtor in this case under 11 U.S.C. § 109(h)(1). That section provides in relevant part, that:

an individual may not be a debtor under this title unless such individual has, during the 180-day period ending on the date of filing the petition by such individual, received from an approved nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.

The Debtor did not receive the required credit counseling briefing *during the 180-day period ending on the date of the filing of the petition*. Rather, the Debtor received the credit counseling briefing 362 days before the petition was filed. The Debtor therefore may not be a debtor in this case, and the case must be dismissed.

Accordingly,

IT IS ORDERED that this case is dismissed.

Signed on February 17, 2021



/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge